

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0164.01 Jane Ritter x4342

HOUSE BILL 24-1165

HOUSE SPONSORSHIP

Ortiz and Bacon,

SENATE SPONSORSHIP

(None),

House Committees

Transportation, Housing & Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ACCESSIBILITY REQUIREMENTS AT PART 139, CLASS II**
102 **AIRPORTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill imposes a set of duties on the Denver airport authority (authority) by established times for accessibility-related functions at Denver international airport. The authority is encouraged to monitor the completion and ongoing upkeep of the duties and functions.

The division of aeronautics (division) is authorized to issue fines for noncompliance of the duties and functions to any entity in violation

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

(entity). For a first offense, the entity has 30 days to remedy the noncompliance. If not remedied within 30 days, the division is authorized to fine the entity an amount not to exceed \$3,500. For each subsequent offense, the division shall fine the entity an amount not to exceed \$7,000 per offense.

An individual alleging damages resulting from a violation by an entity may bring a civil suit and may seek a court order requiring compliance and any other remedy the court determines necessary.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Aviation and air travel have become a critical part of life for
5 those seeking to obtain economic and educational opportunities, visit
6 unique places, and spend time with friends and family;

7 (b) Individuals living with a disability, however, have consistently
8 faced hardship, barriers, and, in some instances, outright discrimination
9 when attempting to enjoy equitable opportunity through air travel;

10 (c) According to the United States government accountability
11 office's report "Passengers with Disabilities: Airport Accessibility
12 Barriers and Practices and the Department of Transportation's Oversight
13 of Airlines' Disability-Related Training", passengers with disabilities face
14 infrastructure, information, and customer service barriers at airports
15 throughout the United States. For example, complex terminal layouts and
16 long distances between gates can be hard to navigate. Additionally, travel
17 information isn't always available in a format that is accessible to
18 everyone.

19 (d) The data is supported by real-world examples that have not
20 only cost individuals with disabilities the opportunities that come with air
21 travel, but also cost individuals the use of their mobility devices and

1 more. Because of constant carelessness shown to mobility devices, a
2 broken chair by one airline directly led to a medical condition that took
3 the life of one of the nation's great disability rights advocates, Engracia
4 Figueroa.

5 (e) Changes that occurred in 2023 and are scheduled for 2024 are
6 critical to finally secure basic access and equity in Colorado for airport
7 passengers with a disability who travel;

8 (f) According to a press release from Denver international airport,
9 dated February 28, 2023, Denver international airport received \$22
10 million in grants for fiscal year 2023 from the federal airport terminal
11 program as part of the bipartisan infrastructure law funding;

12 (g) Funding from the federal airport terminal program, one of
13 three aviation programs created by the bipartisan infrastructure law,
14 provides \$1 billion annually for five years for airport terminal program
15 grants. In total, the bipartisan infrastructure law provided an historic \$25
16 billion to modernize our country's airport infrastructure.

17 (h) Individuals living with a disability must work together to
18 ensure that these infrastructure dollars will be used for providing basic
19 access and equity in travel opportunities at our country's airports.

20 (2) Therefore, the community of individuals living with a
21 disability in Colorado has been working collaboratively with Denver
22 international airport staff to ensure that Denver international airport
23 becomes a model that airports across the country can follow in meeting
24 the basic requirements of the federal "Americans with Disabilities Act"
25 and appropriate aspects of the federal "Air Carriers Act", which seek to
26 ensure basic access and equity for all travelers.

27 (3) The general assembly therefore declares that the purpose of

1 this act is to place in state law the agreements of work that have been and
2 will be done. The act guarantees that securing access and equity at
3 part 139, class II airports on an agreed-upon timeline is not dependent on
4 any single legislator, executive administration, or the changing staff at
5 Denver international airport.

6 **SECTION 2.** In Colorado Revised Statutes, add 43-10-118 as
7 follows:

8 **43-10-118. Part 139, class II airports accessibility - duties -**
9 **reporting requirements - penalties - civil action - rules - definitions.**

10 (1) EACH PART 139, CLASS II AIRPORT HAS THE FOLLOWING DUTIES
11 RELATED TO ACCESSIBILITY AND SAFETY:

12 (a) ON OR BEFORE DECEMBER 31, 2026, DEVELOP AND PROVIDE
13 ONGOING, COMPREHENSIVE TRAINING PROGRAMS FOR AIRPORT STAFF
14 REGARDING ACCESSIBILITY REQUIREMENTS AND THE ACCESSIBILITY
15 PROGRAM;

16 (b) ON OR BEFORE DECEMBER 31, 2026, FACILITATE CONTINUED
17 IMPROVEMENT OF PROCEDURES, UNDER THE CONTROL OF OR RELATED TO
18 THE OPERATIONS OF AIRPORT NAVIGATION AND USE, INCLUDING TICKET
19 AND CHECK-IN PROCESSES, SECURITY, AND COORDINATION WITH GATE
20 CREWS TO CREATE A SEAMLESS EXPERIENCE FOR TRAVELERS WITH
21 DISABILITIES;

22 (c) ON OR BEFORE JUNE 30, 2024, ESTABLISH AN ADVISORY
23 COMMITTEE FOR THE CROSS-DISABLED COMMUNITY. A MAJORITY OF THE
24 MEMBERS OF THE ADVISORY COMMITTEE MUST BE PERSONS WITH VARIOUS
25 DISABILITIES. THE ADVISORY COMMITTEE SHALL PROVIDE INPUT DURING
26 AIRPORT RENOVATIONS AND OPERATIONS TO ENSURE BASIC ACCESS AND
27 EQUITY IN AIR TRAVEL. THE ADVISORY COMMITTEE SHALL MAKE REGULAR

1 ASSESSMENTS TO IDENTIFY AREAS FOR IMPROVEMENT AND ACKNOWLEDGE
2 SUCCESSES.

3 (d) ON OR BEFORE JUNE 30, 2030, AND ONGOING THEREAFTER,
4 INSTALL AND MAINTAIN RESTROOMS FOR INDIVIDUALS WITH DISABILITIES,
5 WHICH INCLUDE COMPANION CARE CHANGING TABLES, AND AT LEAST ONE
6 ACCESSIBLE PUBLIC RESTROOM IN EVERY TERMINAL AND CONCOURSE;

7 (e) ON OR BEFORE JANUARY 1, 2026, CREATE, MAINTAIN, AND
8 UPDATE AS NECESSARY A TRANSPARENT ELECTRONIC DASHBOARD TO
9 REPORT AND TRACK BASIC ACCESS COMPLAINTS AND INQUIRIES
10 THROUGHOUT THE TRAVEL PROCESS. THE DASHBOARD MUST INCLUDE A
11 "PUBLIC INQUIRY FORM" THAT ALLOWS AN INDIVIDUAL TO DIRECTLY
12 REPORT AN ACCESSIBILITY EXPERIENCE AT THE AIRPORT.

13 [REDACTED]
14 (f) ON OR BEFORE DECEMBER 31, 2030, USE ELEVATORS TO
15 TRANSPORT POWER CHAIRS FROM THE CONCOURSE TO THE APRON SAFELY
16 AND EFFICIENTLY. POWER CHAIRS AND OTHER MOBILITY DEVICES THAT
17 REQUIRE THE USE OF AN ELEVATOR FOR TRANSPORTATION TO AND FROM
18 THE APRON MUST BE GIVEN PRIORITY USAGE.

19 (g) ON OR BEFORE JUNE 30, 2024, INCORPORATE WAYFINDING
20 TECHNOLOGY TO ASSIST INDIVIDUALS WHO ARE BLIND OR VISUALLY
21 IMPAIRED TO NAVIGATE THE AIRPORT INDEPENDENTLY.

22 [REDACTED]
23 (2) THE CITY AND COUNTY OF DENVER SHALL MONITOR THE
24 DUTIES SET FORTH IN SUBSECTION (1) OF THIS SECTION.

25 (3) THE DEPARTMENT SHALL ISSUE FINES FOR NONCOMPLIANCE IN
26 ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION.

27 (4) THE DEPARTMENT IS AUTHORIZED TO PENALIZE AN ENTITY FOR

1 NONCOMPLIANCE WITH THE DUTIES SET FORTH IN SUBSECTION (1) OF THIS
2 SECTION AS FOLLOWS:

3 (a) FOR A FIRST OFFENSE, AN ENTITY IN VIOLATION OF THIS
4 SECTION HAS THIRTY DAYS TO REMEDY THE NONCOMPLIANCE. IF NOT
5 REMEDIED IN THIRTY DAYS, THE DEPARTMENT SHALL FINE THE ENTITY IN
6 VIOLATION OF THIS SECTION AN AMOUNT NOT TO EXCEED THREE
7 THOUSAND FIVE HUNDRED DOLLARS.

8 (b) FOR EACH SUBSEQUENT OFFENSE, THE DEPARTMENT SHALL
9 FINE THE ENTITY IN VIOLATION OF THIS SECTION AN AMOUNT NOT TO
10 EXCEED SEVEN THOUSAND DOLLARS PER OFFENSE.

11 (5) A PERSON ALLEGING DAMAGES RESULTING FROM A VIOLATION
12 OF ANY PROVISION OF THIS SECTION MAY BRING A CIVIL SUIT IN A COURT
13 OF COMPETENT JURISDICTION AGAINST THE ENTITY AND MAY SEEK A
14 COURT ORDER REQUIRING COMPLIANCE WITH THE PROVISIONS OF THIS
15 SECTION AND ALL REMEDIES PURSUANT TO SECTION 24-34-802.

16 (6) THE DEPARTMENT MAY PROMULGATE ANY RULES
17 NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

18 (7) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
19 REQUIRES:

20 (a) "AIRPORT" MEANS THE DENVER INTERNATIONAL AIRPORT.

21 (b) "DEPARTMENT" MEANS THE DEPARTMENT OF
22 TRANSPORTATION.

23 (c) "PART 139, CLASS II AIRPORT" MEANS AN AIRPORT THAT IS
24 DESIGNATED AND CERTIFIED AS CLASS II PURSUANT TO FEDERAL AVIATION
25 REGULATION 14 CFR PART 139.

26 **SECTION 3. Safety clause.** The general assembly finds,
27 determines, and declares that this act is necessary for the immediate

1 preservation of the public peace, health, or safety or for appropriations for
2 the support and maintenance of the departments of the state and state
3 institutions.